

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHICAGO BRIDGE & IRON COMPANY N.V.,  
AND CB&I UK LIMITED,

Petitioners,

v.

REFINERÍA DE CARTAGENA S.A.,

Respondent.

Case No.: 1:23-cv-04825

**DECLARATION OF STEPHEN B. SHAPIRO IN SUPPORT OF PETITIONERS’  
PETITION TO VACATE ARBITRATION AWARD**

STEPHEN B. SHAPIRO declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney-at-law of the State of New York and a partner at Holland & Knight LLP, attorneys for Petitioners Chicago Bridge & Iron Company N.V. and CB&I UK Limited (together, “Petitioners” and with nonparty CBI Colombiana S.A. (“CBI Colombiana”), “CB&I”). I submit this declaration in support of CB&I’s Petition to Vacate the Arbitration Award and to supply the Court with certain documents and information supporting CB&I’s Petition.<sup>1</sup>

2. Attached as **Exhibit 01** is a copy of the Final Award, dated June 2, 2023, in the International Court of Arbitration of the International Chamber of Commerce, Case No. 21747/RD.

3. Attached as **Exhibit 02** is a copy of Tribunal Letter No. A-44, dated August 31, 2018.

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<sup>1</sup> Respondent Refinería de Cartagena S.A.S. (“Reficar”) is a Colombian entity and Spanish is the native language of Reficar’s management. As a result, a number of exhibits contain Spanish language text. Certain exhibits contain the translations provided to the Arbitral Tribunal during the pendency of the Arbitration. To the extent such existing translations are not available, English translations of these exhibits are being prepared and will be provided as soon as they are available.

4. Attached as **Exhibit 03** is a copy of the 2010 EPC Contract, Supporting Documentation (Including DRA, Coordination Agreement, and Amendment), denominated as Ex. JX-7 in the Arbitration.

5. Attached as **Exhibit 04** is a copy of the 2010 EPC Contract, Onshore Contract, Section I & II and Annexes, denominated as Ex. JX-2 in the Arbitration.

6. Attached as **Exhibit 05** is a copy of the 2010 EPC Contract, Onshore Contract, Section IV, denominated as Ex. JX-3 in the Arbitration.

7. Attached as **Exhibit 06** is a copy of the 2010 EPC Contract, Offshore Contract, Section I & II and Annexes, denominated as Ex. JX-4 in the Arbitration.

8. Attached as **Exhibit 07** is a copy of the 2010 EPC Contract, Offshore Contract, Section IV, denominated as Ex. JX-5 in the Arbitration.

9. Attached as **Exhibit 08** is a copy of the 2010 EPC Contract, Onshore & Offshore Contracts, Section III, denominated as Ex. JX-6 in the Arbitration.

10. Attached as **Exhibit 09** is a copy of the Request for Arbitration, dated March 8, 2016.

11. Attached as **Exhibit 10** is a copy of excerpts from the EPC Contract Renegotiation Presentation, Attachment 1 to Reficar Board Meeting Minutes No. 87, dated May 7, 2012, denominated as Ex. R-626 in the Arbitration.

12. Attached as **Exhibit 11** is a copy of Reficar Board Meeting Minutes No. 104, dated January 24, 2013, denominated as Ex. R-1420 in the Arbitration.

13. Attached as **Exhibit 12** is a copy of the Reficar board presentation titled "CBI-Reficar Claim", dated September 11, 2013, denominated in the arbitration as Ex. R-1853, Fiscal

Liability File in the Contraloría Proceeding, Carpeta No. 1, Folio No. 14, Anexo No. 7 - Reclamación Reficar - CBI.pptx.

14. Attached as **Exhibit 13** is a copy of excerpts from Attachment 4 to Reficar Board Meeting Minutes No. 174, dated March 1, 2016, denominated as Ex. R-2577 in the Arbitration.

15. Attached as **Exhibit 14** is a copy of the Witness Statement of Masoud Deidehban, dated March 16, 2018, denominated as submission no. R 10 in the Arbitration.

16. Attached as **Exhibit 15** is a copy of an article from RCN Radio, Comptroller's Office Initiates Audit to Establish Those Responsible for Cost Overruns at Reficar, dated January 26, 2016, denominated as Ex. R-97 in the Arbitration.

17. Attached as **Exhibit 16** is a copy of an article from Dinero, The Judicial Battles Reficar is Facing, dated April 2, 2016, denominated as Ex. R-117 in the Arbitration.

18. Attached as **Exhibit 17** is a copy of an article from Reuters, Colombia to complain to CB&I about multi-billion-dollar refinery overruns, dated February 10, 2016, denominated as Ex. R-3301 in the Arbitration.

19. Attached as **Exhibit 18** is a copy of Contraloría Press Release No. 35, dated March 13, 2017, denominated as Ex. R-452 in the Arbitration.

20. Attached as **Exhibit 19** is a copy of excerpts from CBI's Exhaustive Statement of Defense, dated June 28, 2019.

21. Attached as **Exhibit 20** is a copy of the Resolution of the Superintendencia de Sociedades, dated September 14, 2016.

22. Attached as **Exhibit 21** is a copy of CB&I Letter No. R-110, dated June 29, 2020, and Exhibit 1 thereto (SOC Order dated May 6, 2020).

23. Attached as **Exhibit 22** is a copy of CB&I Letter No. R-123, dated September 15, 2020.

24. Attached as **Exhibit 23** is a copy of Reficar Letter No. C-038, dated May 30, 2018, and Exhibit 1 thereto, Reficar Letter dated April 30, 2018.

25. Attached as **Exhibit 24** is a copy of CB&I Letter No. R-51, dated May 14, 2018, and Exhibits 1 and 2 thereto.

26. Attached as **Exhibit 25** is a copy of Procedural Order No. 3, dated December 19, 2018.

27. Attached as **Exhibit 26** is a copy of Reficar Letter No. C-214, dated May 13, 2021.

28. Attached as **Exhibit 27** is a copy of Reficar Letter No. C-220, dated May 20, 2021

29. Attached as **Exhibit 28** is a copy of excerpts from the Hearing Transcript for May 19, 2021.

30. Attached as **Exhibit 29** is a copy of excerpts from the Hearing Transcript for July 16, 2021.

31. Attached as **Exhibit 30** is a copy of Tribunal Letter No. A-78, dated November 25, 2019.

32. Attached as **Exhibit 31** is a copy of CB&I Letter No. R-101, dated January 20, 2020.

33. Attached as **Exhibit 32** is a copy of Tribunal Letter No. A-117, dated October 20, 2020.

34. Attached as **Exhibit 33** is a copy of Tribunal Letter No. A-145, dated March 22, 2021.

35. Attached as **Exhibit 34** is a copy of CB&I Letter No. R-151, dated December 16, 2020.

36. Attached as **Exhibit 35** is a copy of CB&I Letter No. R-174, dated March 15, 2021.

37. Attached as **Exhibit 36** is a copy of excerpts from the Long International Report, dated March 16, 2018.

38. Attached as **Exhibit 37** is a copy of the Long International Report, Appendix 7D, dated March 16, 2018.

39. Attached as **Exhibit 38** is a copy of excerpts from the Long International Rebuttal Report, dated June 28, 2019.

40. Attached as **Exhibit 39** is a copy of excerpts from the Hearing Transcript for July 2, 2021.

41. Attached as **Exhibit 40** is a copy of a Reficar Letter, dated February 18, 2020, denominated as Ex. C-104 in the Arbitration.

42. Attached as **Exhibit 41** is a copy of Reficar's Hearing Summary Submission, dated April 30, 2021.

43. Attached as **Exhibit 42** is a copy of excerpts from Reficar's Exhaustive Statement of Claim, dated March 16, 2018.

44. Attached as **Exhibit 43** is a copy of Appendix 7N to the expert report of Reficar's expert Long International, dated March 16, 2018.

45. Attached as **Exhibit 44** is a copy of the Ready for Start-Up Certificates, excerpted from exhibits denominated as Ex. R-1851\_148\_00001 through R-1851\_148\_00035 in the Arbitration.

46. Attached as **Exhibit 45** is a copy of the Witness Statement of Christian Mantilla, denominated submission 19A in the Arbitration.

47. Attached as **Exhibit 46** is a copy of the Email from Christian Mantilla to Richard Bramwell and others, dated April 5, 2013, denominated as Ex. R-1853\_0049 in the Arbitration.

48. Attached as **Exhibit 47** is a copy of the Witness Statement of Alfred Jones, dated August 24, 2020, denominated as submission R 65 in the Arbitration.

49. Attached as **Exhibit 48** is a copy of an email from Christian Mantilla dated November 27, 2012, denominated in the Arbitration as Ex. R-1853, Fiscal Liability File in the Contraloría Proceeding, Carpeta No. 114, Folio No. 22828, Anexo No. 104.

50. Attached as **Exhibit 49** is a copy of the PCIB Letter, dated September 11, 2020, denominated as Ex. R-4135 in the Arbitration.

51. Attached as **Exhibit 50** is a copy of Excerpts from Andrés Riera's Supplemental Free Version, dated October 24, 2020, denominated as Ex. R-4145 in the Arbitration.

52. Attached as **Exhibit 51** is a copy of excerpts from the Free Version of Christian Mantilla as legal representative of Process Consultants Inc., dated November 7, 2017, denominated as Ex. R-1853\_0039 in the Arbitration.

53. Attached as **Exhibit 52** is a copy of the Witness Statement of Andres Riera, dated March 8, 2018, denominated as submission no. C 26 in the Arbitration.

54. Attached as **Exhibit 53** is a copy of the Supplemental Witness Statement of Christian Mantilla, dated June 19, 2019, denominated as submission no. C 19B in the Arbitration.

55. Attached as **Exhibit 54** is a copy of Tribunal Letter No. A-154, dated April 27, 2021.

56. Attached as **Exhibit 55** is a copy of CB&I Letter No. R-203, dated May 13, 2021.

57. Attached as **Exhibit 56** is a copy of CB&I Letter No. R-209, dated May 21, 2021.
58. Attached as **Exhibit 57** is a copy of an Email from Adam Gray, dated May 21, 2021.
59. Attached as **Exhibit 58** is a copy of CB&I's Answer to Request for Arbitration and Counterclaim, dated May 25, 2016.
60. Attached as **Exhibit 59** is a copy of CB&I Letter No. R-13, dated October 20, 2016.
61. Attached as **Exhibit 60** is a copy of Procedural Order No. 1, dated November 29, 2016.
62. Attached as **Exhibit 61** is a copy of CB&I Letter No. R-27, dated May 30, 2017.
63. Attached as **Exhibit 62** is a copy of CB&I Letter No. R-31, dated July 6, 2017.
64. Attached as **Exhibit 63** is a copy of CB&I Letter No. R-39, dated January 3, 2018.
65. Attached as **Exhibit 64** is a copy of excerpts from Reficar's Non-Exhaustive Statement of Claim, dated April 28, 2017.
66. Attached as **Exhibit 65** is a copy of CB&I Letter No. R-26, dated May 19, 2017, from which attachments have been omitted for brevity.
67. Attached as **Exhibit 66** is a copy of the ICC COMMISSION REPORT, Construction Industry Arbitrations, Recommended Tools and Techniques for Effective Management, 2019 Update.
68. Attached as **Exhibit 67** is a copy of Tribunal Letter No. A-74, dated October 28, 2019.
69. Attached as **Exhibit 68** is a copy of Tribunal Letter No. A-85, dated January 10, 2020.
70. Attached as **Exhibit 69** is a copy of CB&I Letter No. R-165, dated March 1, 2021.

71. Attached as **Exhibit 70** is a copy of CB&I Letter No. R-90, dated November 16, 2019.

72. Attached as **Exhibit 71** is a copy of CB&I Letter No. R-70, dated April 4, 2019.

73. Attached as **Exhibit 72** is a copy of CB&I Letter No. R-109, dated June 1, 2020.

74. Attached as **Exhibit 73** is a copy of CB&I Letter No. R-132, dated October 7, 2020.

75. Attached as **Exhibit 74** is a copy of CB&I Letter No. R-135, dated October 7, 2020.

76. Attached as **Exhibit 75** is a copy of Joint Reficar & CB&I Letter No. C-183 & R-179, dated March 22, 2021.

77. Attached as **Exhibit 76** is a copy of Joint Reficar & CB&I Letter No. C-197 & R-191, dated April 16, 2021.

78. Attached as **Exhibit 77** is a copy of Joint Reficar & CB&I Letter No. C-198 & R-192, dated April 19, 2021.

79. Attached as **Exhibit 78** is a copy of the Witness Statement of Carlos Bustillo, dated January 30, 2018, denominated as submission no. C 6 in the Arbitration.

80. Attached as **Exhibit 79** is a copy of Tribunal Letter No. A-149, dated April 1, 2021.

81. Attached as **Exhibit 80** is a copy of an excerpt from Reficar's Post-Hearing Brief, dated October 22, 2021, and excerpts from the attached Claimant's Post-Hearing Brief.

82. Attached as **Exhibit 81** is a copy of excerpts from Claimant's Second Block Opening Presentation, denominated as Ex. H-018 in the Arbitration.

83. Attached as **Exhibit 82** is a copy of excerpts from the Hearing Transcript for May 18, 2021.

84. Attached as **Exhibit 83** is a copy of excerpts from the Hearing Transcript for June 28, 2021.



85. Attached as **Exhibit 84** is a copy of excerpts from the Closing Arguments Transcript for November 18, 2021.

86. Attached as **Exhibit 85** is a copy of CB&I Letter No. R-187, dated April 5, 2021.

87. Attached as **Exhibit 86** is a copy of Tribunal Letter No. A-150, dated April 12, 2021.

88. Attached as **Exhibit 87** is a copy of the signed Terms of Reference, dated October 28, 2016.

89. Attached as **Exhibit 88** is a copy of Tribunal Letter No. A-105, dated September 7, 2020.

90. Attached as **Exhibit 89** is a copy of Reficar Letter No. C-14, dated October 20, 2016.

91. Attached as **Exhibit 90** is a copy of a letter from the Tribunal (not numbered), dated April 25, 2019 (attachments omitted for brevity)

92. Attached as **Exhibit 91** is a copy of a joint email from Reficar and CB&I (not numbered), dated July 22, 2019.

93. Attached as **Exhibit 92** is a copy of a Reficar email (not numbered), dated August 27, 2019.

94. Attached as **Exhibit 93** is a copy of Joint Letter No. C-85 & R-89 from Reficar and CB&I, dated November 16, 2019.

95. Attached as **Exhibit 94** is a copy of the 2012 ICC Rules of Arbitration.

96. Attached as **Exhibit 95** is a copy of CB&I Letter No. R-117, dated August 7, 2020.

DATED: June 8, 2023  
Washington, D.C.

/s/ Stephen B. Shapiro  
STEPHEN B. SHAPIRO